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Tyler B. Pensyl (Ohio Bar No. 0080649) (*Admitted Pro Hac Vice*)

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Attorneys for Plaintiffs ADG CONCERNS, INC. d/b/a HEALTH CONCERNS and GOODE, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

ADG CONCERNS, INC. d/b/a HEALTH CONCERNS, a Washington corporation, and GOODE, INC., a Nevada corporation,

Plaintiffs,

v.

TSALEVICH LLC,

Defendant.

Case 5:18-cv-00818-NC

**DECLARATION OF TYLER B. PENSYL,
ESQ. IN SUPPORT OF PLAINTIFFS'
MOTION FOR AWARD OF
ATTORNEYS' FEES**

Judge: Nathaniel Cousins

I, Tyler Pensyl, declare that:

1. I am an attorney licensed in the State of Ohio and have been admitted to appear pro hac vice before the United States District Court for the Northern District of California in this matter. I am a Partner with the law firm of Vorys, Sater, Seymour and Pease, LLP (“Vorys”) and

1 lead counsel for ADG Concerns, Inc. d/b/a Health Concerns (“Health Concerns”) and Goode,
2 Inc.’s (“Goode”) (collectively, “Plaintiffs”) in this action. I make this Declaration in connection
3 with Plaintiffs’ Motion for Award of Attorneys’ Fees. I have personal knowledge of the facts in
4 this Declaration and, if called as a witness, could and would testify to such facts under oath.

5 2. The Vorys attorneys who spent time working on this matter for which Plaintiffs
6 seek to recover are Tyler B. Pensyl, Daren S. Garcia, Daniel C. Wucherer, and Meredith J.
7 Caplan.

8 3. I have been practicing for 12 years and am a member of the litigation and online
9 seller enforcement practice groups at Vorys. My litigation practice focuses on representing
10 retailers and businesses in commercial, employment, intellectual property, trademark
11 infringement, and trade secret matters. I have tried cases in both federal and state court. My
12 online seller enforcement practice involves prosecuting actions against unauthorized online
13 sellers, as well as counseling clients on strategies for protecting their brand and reputation online,
14 combating illegal online sales, and developing legal claims against unauthorized online sellers. I
15 lead Vorys' enforcement and litigation efforts against sellers who are selling online illegally,
16 including bringing trademark, Lanham Act, and other claims against them. A copy of my
17 biographical summary is attached hereto as Exhibit A.

18 4. Daren S. Garcia is the managing partner of the Vorys Pittsburgh, Pennsylvania
19 office and a member of the litigation and online seller enforcement practice groups. He has been
20 practicing for 16 years. Mr. Garcia's practice is focused on the areas of complex litigation,
21 product diversion, and online seller enforcement. He has extensive lead trial counsel experience
22 in commercial, employment, intellectual property and injury matters, including class and
23 collective actions. Mr. Garica's online seller enforcement practice involves the implementation,
24 both domestically and internationally, of cutting-edge enforcement systems and strategies
25 designed to protect brand value in the digital world. Mr. Garcia has been recognized by
26 Chambers and Partners as a "Leading Lawyer" in litigation. A copy of Mr. Garcia's
27 biographical summary is attached hereto as Exhibit B.

1 5. Daniel C. Wucherer is an associate at Vorys and a member of the technology and
2 intellectual property group and online seller enforcement practice groups. Mr. Wucherer's
3 practice focuses on trademark litigation in connection with the illegal sale of manufacturer's
4 products online. Mr. Wucherer clerked in the United States Court of Appeals for the Seventh
5 Circuit and the United States District Court for the District of New Mexico. A copy of Mr.
6 Wucherer's biographical summary is attached hereto as Exhibit C.

7 6. Meredith J. Caplan is an associate at Vorys and a member of the technology and
8 intellectual property group and online seller enforcement practice groups. Ms. Caplan's practice
9 focuses on brand protection, online seller enforcement, and internet defamation. She handles
10 matters related to product diversion, trademark infringement, internet traffic diversion, and
11 online reputation attacks. Ms. Caplan clerked in the United States District Court for the Western
12 District of Pennsylvania. A copy of Ms. Caplan's biographical summary is attached hereto as
13 Exhibit D.

14 7. The time Vorys attorneys spent on this matter relate to the following activities:
15 (1) investigating Tsalevich to obtain identification information and information regarding its
16 business practices; (2) preparing and sending cease and desist letters; (3) preparing a substantial
17 and detailed 298-paragraph complaint asserting nine claims under federal and state law; (4)
18 communicating with Tsalevich's representatives; (5) researching and preparing a 30-page motion
19 for default judgment and declarations in support of same; (6) investigating and gathering data
20 regarding Tsalevich's sales of products bearing the Health Concerns trademarks and preparing
21 documents related to same; (7) researching issues related to personal jurisdiction and preparing a
22 supplemental brief regarding same; (8) preparing for and attending a hearing on Plaintiffs'
23 motion for default judgment.

24 8. From November 1, 2017 through February 28, 2018, Vorys billed Health
25 Concerns at a blended hourly rate of \$280/hour. From March 1, 2018 to July 31, 2018, Vorys
26 billed Health Concerns at its standard hourly rates, which ranges from \$250/hour to \$495/hour
27 for the attorneys that worked on this matter.

1 9. In connection with this action, I billed 86.4 hours for a total amount of
2 \$32,736.00. I billed 15.2 hours at a blended hourly rate of \$280/hour and 71.2 hours at an hourly
3 rate of \$400/hour.

4 10. Mr. Garcia billed 2.9 hours on the matter for a total amount of \$984.00. Mr.
5 Garcia billed 2.1 hours at a blended hourly rate of \$280/hour and .8 hours at an hourly rate of
6 \$495/hour.

7 11. Mr. Wucherer billed 88.9 hours at an hourly rate of \$250/hour for a total amount
8 of \$22,225.00.

9 12. Ms. Caplan billed 1.1 hours at a blended rate of \$280/hour for a total amount of
10 \$308.00.

11 13. In total, from November 1, 2017 through July 31, 2018, Vorys billed Plaintiffs'
12 179.3 hours of work for a total amount of \$56,253.00.

13 14. The work Vorys attorneys performed for Plaintiffs in this matter which Plaintiffs
14 seek to recover is detailed in the spreadsheet attached hereto as Exhibit E. This spreadsheet
15 provides the date the activity was performed, a description of each activity, identifies the
16 attorney who performed the activity, the amount of time spent performing the activity, the rate at
17 which the activity was performed, and the total charge for the activity. These entries have been
18 minimally redacted to remove information protected by the attorney-client privilege or attorney
19 work product doctrine.

20 15. Plaintiffs also retained Haight Brown & Bonesteel LLP ("Haight") to serve as
21 local counsel on this matter. The Haight attorneys who spent time working on this matter for
22 which Plaintiffs seek to recover are Howard M. Garfield and Omar Parra.

23 16. Mr. Garfield is of counsel at Haight and a member of the professional liability,
24 risk management and insurance law, and employment and labor practice groups. He has been
25 practicing for 50 years. Mr. Garfield's practice focuses on a wide variety of areas which
26 affect employers and businesses in employment litigation, commercial, trade secret, copyright
27
28

and securities litigation, employment counseling and the defense of professionals. A copy of Mr. Garfield's biographical summary is attached hereto as Exhibit F.

17. Mr. Parra is an associate at Haight and a member of the construction law, employment and labor, and general liability practice groups. Mr. Parra's practice includes defending parties in all phases of litigation, including discovery, law and motion, mediation, and trial. His litigation experience includes cases involving breach of contract, construction defects, products liability, premises liability, wage and hour violations, and weatherproofing defects. A copy of Mr. Parra's biographical summary is attached hereto as Exhibit G.

18. The time Haight attorneys spent on this matter relate to the following activities:
(1) reviewing and preparing the complaint; (2) reviewing information regarding judicial assignment; (3) preparing court filings; (4) reviewing court filings; (5) communicating with Tsalevich; (6) obtaining entry of default; (7) attending case management conference; and (8) reviewing court orders.

19. Mr. Garfield's hourly rate is \$450/hour and Mr. Parra's hourly rate is \$325/hour.

20. Mr. Garfield billed Plaintiffs for 19.9 hours of work at his standardly hourly rate of \$450/hour for a total amount of \$8,995.00.

21. Mr. Parra billed Plaintiffs for 14.8 hours of work at his standardly hourly rate of \$325/hour for a total amount of \$4,810.00.

22. In total, from February 1, 2018 through July 9, 2018, Haight billed Plaintiffs for 34.7 hours of work for a total amount of \$13,765.00.

23. The work Haight attorneys performed for Plaintiffs in this matter which Plaintiffs seek to recover is detailed in the spreadsheet attached hereto as Exhibit H. This spreadsheet provides the date the activity was performed, a description of each activity, identifies the attorney who performed the activity, the amount of time spent performing the activity, the rate at which the activity was performed, and the total charge for the activity. These entries have been minimally redacted to remove information protected by the attorney-client privilege or attorney work product doctrine.

24. All rates charged to Plaintiffs were either the standard hourly rates charged by Vorys or Haight or a blended hourly rate of \$280/hour, which resulted in Plaintiffs being charged less than if it had been charged standard hourly rates. The hourly rates that were charged to Plaintiffs reflect the reputation, experience, and ability of the attorneys that worked on this matter.

25. Based on my experience, and to the best of my knowledge and belief, the rates Vorys charged were and are reasonable and customary for similarly situated attorneys in intellectual property litigation matters in Ohio and Pennsylvania. Further, based on research, and to the best of my knowledge and belief, the rates Plaintiffs were charged by Vorys and Haight were and are reasonable and customary for similarly situated attorneys in intellectual property matters in the Northern District of California.

26. I have reviewed the time and diary entries for the work for which Plaintiffs seek to recover and confirmed that those diary entries accurately reflect the time the foregoing attorneys spent on the activities in this action.

27. Based on my experience, and in my opinion, the time spent by the attorneys on this matter was reasonable and necessary to the successful resolution of this case.

28. In total, from November 1, 2017 through July 31, 2018, Plaintiffs were billed for 214 hours of work on this matter for a total amount of \$70,018.00.

29. As reflected in Exhibits E and H, the total amount of attorneys' fees for which Plaintiffs seek to recover is \$70,018.00.

30. Based on my experience, and in my opinion, the total amount of attorneys' fees Plaintiffs seek to recover in this matter is reasonable.

I declare under penalty of perjury under the laws California and of the United States of America that the foregoing is true and correct.

Executed on this 8th day of Aug., 2018, in Columbus, Ohio

Tyler B. Pensyl

EXHIBIT A



TYLER B. PENSYL

Partner Columbus Office

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Email tpensyl@vorys.com

Tyler is a partner in the Vorys Columbus office and a member of the litigation group. His practice focuses on complex litigation and online seller enforcement.

Tyler's litigation practices focus on representing retailers and other businesses in commercial, employment, intellectual property, trademark infringement, and trade secret matters, including class and collective actions. He has tried cases in both federal and state court. He also serves as national coordinating counsel for a Fortune 500 company in toxic tort litigation.

Tyler's online seller enforcement practice involves prosecuting actions against unauthorized online sellers. As part of his practice, he counsels clients on strategies for protecting their brand and reputation online, combating illegal online sales, and developing legal claims against unauthorized online sellers. He leads enforcement and litigation efforts against sellers who are selling online illegally, including bringing trademark, Lanham Act, and other claims against them.

Tyler's recent litigation experience includes:

- Obtaining a substantial jury verdict in a misappropriation of trade secrets case
- Prosecuting trademark infringement, Lanham Act, and related claims on behalf of several clients
- Representing retailers and other businesses in numerous employment discrimination and wage and hour cases, including class and collective actions
- Representing numerous clients in intellectual property, trade secret, and non-compete disputes
- Obtaining a defense jury verdict on breach of contract and fraudulent misrepresentation claims on behalf of a large retail client
- Obtaining a large jury verdict on behalf of a real estate developer against a township
- Representing financial institutions in class actions and other commercial disputes

Tyler received his J.D. from The University of Toledo *summa cum laude*, where he graduated as Valedictorian and was an associate member and technical editor of the *University of Toledo Law Review*. He also participated on the Constitutional Law Moot Court Team. He received his B.A. *cum laude* from Denison University.

Insights

"*Client Alert: Gov. Kasich Signs H.B. 380*," December 20, 2012

TYLER B. PENSYL

(Continued)

"*Client Alert: Ohio Legislation to Increase Transparency Between Asbestos Trust Claims and Lawsuits,*" December 14, 2012

"*Let Clarett Play: Why the Nonstatutory Labor Exemption Should Not Exempt the NFL's Draft Eligibility Rule from the Antitrust Laws,*" *University of Toledo Law Review*, January 1, 2006

Professional and Community Activities

Leadership Columbus Class of 2017

Denison University Varsity D Association, Board Member, 2015-present

Godman Guild Association, Board of Trustees, 2009-2013

Honors and Awards

Columbus CEO, Top Lawyers in Columbus, 2015

Ohio Super Lawyers Rising Stars, General Litigation, 2012-2016

EXHIBIT B



PRACTICE AREAS

Litigation
Online Seller Enforcement

INDUSTRIES

Retail

EDUCATION

Emory University School of Law,
J.D., 2002

The Ohio State University, B.A.,
1998

BAR AND COURT ADMISSIONS

Ohio

Florida

Pennsylvania

U.S. Court of Appeals for the
Second Circuit

U.S. Court of Appeals for the
Sixth Circuit

U.S. Court of Appeals for the
Ninth Circuit

U.S. District Court for the Middle
District of Florida

U.S. District Court for the
Northern District of Ohio

U.S. District Court for the
Southern District of Ohio

U.S. District Court for the
Western District of Pennsylvania

DAREN S. GARCIA

Partner Pittsburgh Office

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Daren is the managing partner of the Vorys Pittsburgh office and member of the litigation group. His practice is focused on the areas of complex litigation, product diversion, and online seller enforcement. Daren has extensive lead trial counsel experience in commercial, employment, intellectual property and injury matters, including class and collective actions. Daren's online seller enforcement practice involves the implementation, both domestically and internationally, of cutting-edge enforcement systems and strategies designed to protect brand value in the digital world. Daren has been recognized by Chambers and Partners as a "Leading Lawyer" in litigation.

Recent experience highlights:

Litigation:

- Representing retailers in more than ten wage and hour class and collective actions in the past two years
- Winning defense verdict in FLSA trial on behalf of international retailer
- Obtaining decertification of California wage and hour class action on behalf of international retailer
- Obtaining summary judgment on behalf of corporations in a number of high-profile cases involving claims of alleged discrimination, harassment and retaliation
- Obtaining summary judgment on behalf of oil and gas producer in complex commercial litigation involving purchase of a large block of prime Utica Shale acreage
- Winning defense verdict and fee award in arbitration of industrial property lease dispute
- Obtaining favorable settlement during trial of partnership dissolution
- Winning defense verdict in false imprisonment trial
- Winning defense verdicts on behalf of financial institutions in numerous consumer cases

Online Seller Enforcement & Brand Protection:

- Developing cutting-edge solutions for unauthorized seller problems that manufacturers, retailers and direct sellers encounter on the internet
- Advising leading consumer product manufacturers and retailers on developing legal claims against unauthorized sellers both domestically and internationally
- Leading unauthorized online seller enforcement efforts for dozens of leading manufacturers and brands both domestically and internationally
- Removing fraudulent apps, false review schemes and defamatory content from the internet
- Leading litigation matters against unauthorized online sellers and online defamers

DAREN S. GARCIA

(Continued)

Distribution & E-Commerce Strategy:

- Advising over 150 leading manufacturers and brands on distribution and e-commerce channel structures and agreements – both domestically and internationally – designed to protect and grow brand value in the digital age
- Implementing authorized reseller programs – both brick and mortar and ecommerce – for leading manufacturers and brands to help protect brand value by controlling online sales
- Implementing MAP and MRP programs and advising on related enforcement efforts

Daren obtained his J.D. from the Emory University School of Law and his B.A. from The Ohio State University.

Insights

"Four Steps to Stop Unauthorized Online Sales of Your Products," *TotalRetail*, January 12, 2018

"Practical Tips for Maintaining Online Minimum Advertised Pricing Policies and Avoiding Antitrust Issues," October 11, 2016

"Financial Services Alert: Narrow Win For Spokeo at The U.S. Supreme Court: Plaintiffs Must Demonstrate Concrete Harm Even For Statutory Violations," May 16, 2016

"Practical Guidelines for Retailers Seeking to Avoid E-Commerce Marketing Class Actions," April 11, 2016

"Going Green? Be Careful – It's a Jungle Out There!," February 1, 2016

"California's Green-Chemistry Initiative: Retailers, Be on the Lookout," November 20, 2015

Honors and Awards

Ohio Super Lawyers Rising Stars, Business Litigation, 2007 & 2009, 2011

Chambers and Partners, Leading Lawyer in Litigation: General Commercial, 2012

Events

The MAP Map: Navigating Minimum Advertised Price Policies and Other Resale Issues

Protecting Brand Value, Stopping MAP Violators and Removing Unauthorized Marketplace Sellers

20th Anti-Counterfeiting & Brand Protection Summit

Retail Law Conference

Direct Selling Association Business & Policy Conference

EXHIBIT C



DANIEL C. WUCHERER

Associate Cincinnati Office

Phone 513.723.4093

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Dan is an associate in the Vorys Cincinnati office and a member of the firm's technology and intellectual property group.

Prior to joining Vorys, Dan worked in commercial litigation and civil rights litigation. Dan also clerked for two years as a staff attorney at the United States Court of Appeals for the Seventh Circuit and for one year as a law clerk for the Honorable William P. Lynch in the United States District Court for the District of New Mexico.

Dan received his J.D. from Vanderbilt University Law School, where he was a notes editor for the *Vanderbilt Law Review*. He received his B.A. *summa cum laude* from the University of Michigan.

PRACTICE AREAS

Online Seller Enforcement

EDUCATION

Vanderbilt University Law School, J.D. 2010

Vanderbilt Law Review, staff member, 2008-2009; notes editor, 2009-2010

University of Michigan, B.A., 2005, *summa cum laude*

BAR AND COURT ADMISSIONS

Ohio

Illinois (inactive)

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Central District of Illinois

U.S. Court of Appeals for the Seventh Circuit

JUDICIAL CLERKSHPIS

United States Court of Appeals for the Seventh Circuit, Staff Attorney, 2011-2013

Hon. William P. Lynch, United States District Court for the District of New Mexico, 2010-2011

EXHIBIT D



PRACTICE AREAS

Intellectual Property,
Entertainment, and Technology
Protection

Online Seller Enforcement

EDUCATION

Brooklyn Law School, J.D. 2015
Lehigh University, B.A., 2009

BAR AND COURT ADMISSIONS

Pennsylvania
U.S. District Court of the Western
District of Pennsylvania

JUDICIAL CLERKSHIPS

The Honorable Joy Flowers
Conti, U.S. District Court for the
Western District of Pennsylvania,
2016-2017

MEREDITH J. CAPLAN

Associate Pittsburgh Office

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Meredith is an associate in the Vorys Pittsburgh office and a member of the technology and intellectual property group. Her practice focuses on brand protection, online seller enforcement, and internet defamation. She handles matters related to product diversion, trademark infringement, internet traffic diversion, and online reputation attacks.

Meredith received her J.D. from Brooklyn Law School, where she was an executive articles editor for the *Brooklyn Journal of Corporate, Financial and Commercial Law*. She received her B.A. from Lehigh University.

Prior to joining Vorys, Meredith served as a law clerk to the Honorable Joy Flowers Conti in the U.S. District Court for the Western District of Pennsylvania. Before attending law school, Meredith worked at a retail e-commerce company for two years.

EXHIBIT E

ADG CONCERNS, INC. d/b/a HEALTH CONCERNS and GOODE, INC. v. TSALEVICH LLC, Case No. 5:18-cv-00818-NC (N.D. Cal)
Fees Billed to Plaintiffs by Vorys, Sater, Seymour and Pease LLP From November 1, 2017 to July 31, 2018

DATE	DESCRIPTION	ATTY	HOURS	RATE	CHARGE
11/17/17	Preparation of physical cease and desist letter to Premium Health INC.	MJC	0.20	280.00	56.00
12/7/17	Review of correspondence from Ms. Thomas regarding Premium Health Inc. Preparation of correspondence to Ms. Thomas regarding same.	TBP	0.30	280.00	84.00
1/5/18	Develop strategy for enforcement against Premium Health INC.	TBP	0.20	280.00	56.00
1/10/18	Preparation for and participation on telephone conference with Mr. Vincent and Ms. Slaughter regarding Premium Health INC.	TBP	0.80	280.00	224.00
1/12/18	Preparation for filing of potential lawsuit.	DSG	0.30	280.00	84.00
1/12/18	Preparation of complaint against Premium Health INC.	TBP	1.20	280.00	336.00
1/17/18	Preparation of complaint against Premium Health INC.	TBP	4.00	280.00	1120.00
1/17/18	Research and review of negative reviews of Health Concerns' products on Amazon. Preparation of draft complaint including said reviews.	MJC	0.90	280.00	252.00
1/17/18	Draft and revision of amended complaint.	DSG	1.00	280.00	280.00
1/18/18	Draft and revision of complaint.	DSG	0.40	280.00	112.00
1/19/18	Preparation of complaint against Tsalevich LLC.	TBP	2.20	280.00	616.00
1/22/18	Further preparation of complaint against Tsalevich LLC.	TBP	0.70	280.00	196.00
1/25/18	Preparation of complaint against Premium Health INC. Correspondence with Mr. Vincent regarding same.	TBP	0.50	280.00	140.00
1/26/18	Correspondence with Mr. Garfield regarding complaint against Tsalevich LLC.	TBP	0.10	280.00	28.00
1/30/18	Correspondence with Mr. Vincent regarding complaint against Tsalevich LLC.	TBP	0.10	280.00	28.00
1/31/18	Preparation of complaint against Tsalevich LLC. Correspondence with local counsel regarding same.	TBP	0.50	280.00	140.00
2/1/18	Correspondence with Ms. Davis and Mr. Howard regarding complaint against Tsalevich LLC.	TBP	0.20	280.00	56.00
2/5/18	Review of preparation for filing of complaint.	DSG	0.20	280.00	56.00
2/5/18	Preparation of complaint against Tsalevich LLC. Review of authorities regarding false advertising and unfair competition claims under California law. Preparation of summons and civil cover sheet.	TBP	2.50	280.00	700.00
2/6/18	Preparation of complaint against Tsalevich LLC.	TBP	0.20	280.00	56.00
2/7/18	Review of lawsuit filing status.	DSG	0.20	280.00	56.00
2/7/18	Correspondence with local counsel regarding complaint against Tsalevich LLC. Correspondence with Mr. Vincent and Ms. Slaughter regarding same.	TBP	0.60	280.00	168.00
2/8/18	Preparation of correspondence to Tsalevich LLC regarding lawsuit. Review of court order regarding case schedule.	TBP	0.60	280.00	168.00
2/17/18	Review and analysis of Premium Health Inc. storefront. Correspondence with Mr. Vincent and Ms. Slaughter regarding same. Correspondence with local counsel regarding summons.	TBP	0.30	280.00	84.00
2/22/18	Correspondence with process server regarding service on Defendant, Tsalevich LLC.	TBP	0.20	280.00	56.00
3/5/18	Correspondence with process server regarding service of complaint on Tsalevich LLC.	TBP	0.10	400.00	40.00
3/9/18	Review of potential service options on Tsalevich LLC.	TBP	0.10	400.00	40.00
3/17/18	Review of affidavit of service of complaint on Defendant. Correspondence with Mr. Garfield regarding same.	TBP	0.20	400.00	80.00
3/22/18	Review of complaint and evaluate [REDACTED]. Review of information regarding Judge Cousins to determine whether to consent to jurisdiction of magistrate judge.	TBP	0.50	400.00	200.00
3/23/18	Develop strategy for filing amended complaint. Review of information regarding judges to determine whether to consent to magistrate judge.	TBP	0.30	400.00	120.00

ADG CONCERNS, INC. d/b/a HEALTH CONCERNS and GOODE, INC. v. TSALEVICH LLC, Case No. 5:18-cv-00818-NC (N.D. Cal)**Fees Billed to Plaintiffs by Vorys, Sater, Seymour and Pease LLP From November 1, 2017 to July 31, 2018**

3/26/18	Correspondence with local counsel regarding consent to Magistrate Judge in Tsalevich LLC lawsuit. Review of Premium Health Inc. product listings.	TBP	0.30	400.00	120.00
3/29/18	Correspondence with Mr. Parra regarding extension to respond to complaint in Tsalevich lawsuit.	TBP	0.10	400.00	40.00
4/2/18	Correspondence with local counsel regarding Defendant's response to complaint in Tsalevich lawsuit. Review of Defendant's proposed stipulation to extend time to respond to complaint.	TBP	0.20	400.00	80.00
4/9/18	Correspondence with local counsel regarding Tsalevich's response to complaint. Review and analysis of Premium Health Inc.'s listings. Develop strategy for litigation. Correspondence with Mr. Tsalevich regarding response to complaint. Correspondence with Mr. Vincent regarding status of litigation.	TBP	0.70	400.00	280.00
4/12/18	Review and analysis of Premium Health Inc. storefront. Review of authorities regarding default judgment. Telephone conference with Ms. Thomas regarding resolution of lawsuit. Correspondence with Mr. Vincent regarding same. Preparation of settlement agreement with Tsalevich LLC.	TBP	2.20	400.00	880.00
4/14/18	Correspondence with Mr. and Ms. Tsalevich regarding settlement of lawsuit.	TBP	0.20	400.00	80.00
4/17/18	Review of court order regarding case schedule. Telephone conference with Mr. Tsalevich regarding settlement. Develop strategy for proceeding with litigation.	TBP	0.30	400.00	120.00
4/19/18	Telephone conference with Mr. Tsalevich regarding potential settlement of lawsuit.	TBP	0.20	400.00	80.00
4/23/18	Review and analysis of listings on Premium Health Inc. storefront. Correspondence with Mr. Tsalevich regarding settlement. Correspondence with local counsel regarding default judgment.	TBP	0.40	400.00	160.00
4/25/18	Develop strategy for obtaining default judgment and proving damages for same. Telephone conference with Mr. Garfield regarding same. Develop strategy for litigation in response to court order granting Defendants an extension of time to respond to complaint.	TBP	0.70	400.00	280.00
4/26/18	Review of court order regarding extension of time to respond to complaint.	TBP	0.10	400.00	40.00
4/27/18	Review of court order regarding extension of time to file response to Complaint. Develop strategy for seeking default judgment against Tsalevich LLC.	TBP	0.10	400.00	40.00
5/2/18	Review of docket in Tsalevich LLC lawsuit. Preparation of motion of default judgment and entry of default. Develop strategy for same. Correspondence with local counsel regarding same.	TBP	2.40	400.00	960.00
5/3/18	Research decisions from federal district courts awarding statutory damages in trademark infringement cases at default judgment. Preparation of and circulate summary regarding same to Mr. Pensyl.	DCW	2.00	250.00	500.00
5/4/18	Attention to issues concerning motion for default. Review of email communications in connection with same.	DSG	0.30	495.00	148.50
5/4/18	Review of authorities regarding recovering Defendant's profits as part of default judgment. Develop strategy for seeking damages as part of default judgment. Telephone conference with Mr. Tsalevich regarding default judgment.	TBP	0.80	400.00	320.00
5/4/18	Preparation of memorandum regarding ability to seek statutory damages and/or defendant's profits through motion for default judgment in trademark infringement case. Research Ninth Circuit and California district court cases regarding motions for default damage seeking statutory damages and defendant's profits.	DCW	2.00	250.00	500.00
5/7/18	Preparation of motion for default judgment against Tsalevich LLC. Develop strategy for seeking monetary damages. Telephone conference with Mr. Wells regarding same.	TBP	1.00	400.00	400.00

ADG CONCERNS, INC. d/b/a HEALTH CONCERNS and GOODE, INC. v. TSALEVICH LLC, Case No. 5:18-cv-00818-NC (N.D. Cal)**Fees Billed to Plaintiffs by Vorys, Sater, Seymour and Pease LLP From November 1, 2017 to July 31, 2018**

5/7/18	Research regarding ability to seek injunction [REDACTED]. Further research of Ninth Circuit and California district court cases regarding motions for default damage seeking statutory damages, defendant's profits, and injunctions regarding online storefronts. Review of complaint and other materials. Review of sales data of Tsalevich LLC available on TriGuardian.	DCW	4.00	250.00	1000.00
5/8/18	Further research of Ninth Circuit and California district court cases regarding motions for default damage seeking statutory damages, defendant's profits, and injunctions regarding online storefronts. Draft memorandum regarding same. Develop strategy gathering defendants' actual sales of Health Concerns products from TriGuardian data.	DCW	5.00	250.00	1250.00
5/9/18	Telephone conference with local counsel regarding strategy for default judgment against Tsalevich LLC.	TBP	0.30	400.00	120.00
5/9/18	Review of spreadsheet prepared by Ms. Hemphill of TriGuardian data showing total sales through Tsalevich LLC's Amazon storefront from November 2017 to present. Complete memorandum and research regarding ability to seek statutory damages, defendant's profits, and injunctions regarding online storefronts in Ninth Circuit.	DCW	3.00	250.00	750.00
5/10/18	Review of authorities regarding recovery of damages in default judgment for use in Tsalevich lawsuit. Develop strategy for motion for default judgment. Review of data from Triguardian regarding defendants' sales.	TBP	1.10	400.00	440.00
5/11/18	Review of factual allegations in complaint against Tsalevich. Begin drafting motion for default judgment.	DCW	2.00	250.00	500.00
5/14/18	Meeting with Ms. Hemphill regarding daily sales data provided by TriGuardian and creating new spreadsheet. Continue drafting motion for default judgment.	DCW	4.00	250.00	1000.00
5/15/18	Continue drafting motion for default judgment. Review of new spreadsheet circulated by Ms. Hemphill and email correspondence to Ms. Hemphill regarding same.	DCW	1.20	250.00	300.00
5/16/18	Review of damages data for motion for default judgment. Correspondence with Mr. Vincent regarding motion for default judgment.	TBP	0.20	400.00	80.00
5/16/18	Research requirements to show [REDACTED]. Research cases applying factors used in Ninth Circuit to evaluate propriety of granting default judgment. Continue drafting motion for default judgment and begin drafting proposed order and declarations [REDACTED]. Develop strategy regarding motion for default judgment and supporting materials.	DCW	4.00	250.00	1000.00
5/17/18	Review and revision of spreadsheet of TriGuardian data. Continue drafting motion for default judgment and supporting materials.	DCW	3.20	250.00	800.00
5/18/18	Legal research regarding elements of claims pleaded in complaint against Tsalevich and standards for permanent injunctions. Continue drafting motion for default judgment and supporting materials	DCW	3.00	250.00	750.00
5/21/18	Continued legal research regarding elements of claims pleaded in complaint against Tsalevich and standards for permanent injunctions. Continue drafting motion for default judgment and supporting materials. Review and revision of spreadsheet of TriGuardian data. Meeting with Ms. Hemphill regarding same.	DCW	3.50	250.00	875.00
5/22/18	Preparation of option for default judgment against Tsalevich LLC.	TBP	0.20	400.00	80.00
5/22/18	Complete drafts of motion for default judgment, declarations [REDACTED], and proposed order.	DCW	1.50	250.00	375.00
5/23/18	Preparation of motion for default judgment against Tsalevich LLC.	TBP	0.60	400.00	240.00
5/24/18	Preparation of motion for default judgment against Tsalevich LLC.	TBP	0.30	400.00	120.00
6/1/18	Attention to default judgment issue.	DSG	0.30	495.00	148.50

ADG CONCERNS, INC. d/b/a HEALTH CONCERNS and GOODE, INC. v. TSALEVICH LLC , Case No. 5:18-cv-00818-NC (N.D. Cal)**Fees Billed to Plaintiffs by Vorys, Sater, Seymour and Pease LLP From November 1, 2017 to July 31, 2018**

6/1/18	Preparation of motion for default judgment, declaration of Mr. Pensyl, declaration of Mr. Wells, and proposed order.	TBP	8.70	400.00	3480.00
6/1/18	Review of revised motion for default judgment, revised attorney declaration, revised proposed order and draft of declaration of Mr. Wells. Correspondence to Mr. Pensyl regarding same. Begin revising motion for default judgment.	DCW	1.70	250.00	425.00
6/4/18	Continue revision of motion for default judgment. Correspondence to Mr. Pensyl regarding motion, proposed order, and seeking more sales data [REDACTED]	DCW	2.00	250.00	500.00
6/5/18	Research Ninth Circuit cases regarding satisfying requirements for court to issue permanent injunction. Complete revisions to motion for default judgment. Revision of declaration of Mr. Pensyl. Correspondence to Mr. Pensyl regarding motion for default judgment and all supporting materials.	DCW	3.00	250.00	750.00
6/7/18	Correspondence with Mr. Wells regarding conference on June 8 and spreadsheet of data regarding sales of Health Concerns products through Amazon storefront operated by Tsalevich. Correspondence with Messrs. Pensyl and Rubin regarding motion for default judgment.	DCW	0.30	250.00	75.00
6/8/18	Preparation of motion for default judgment. Preparation for and participation in telephone conference with Ms. Wells regarding affidavit for same.	TBP	2.90	400.00	1160.00
					0.00
6/8/18	Review and revision of motion for default judgment. Phone conference with Messrs. Wells and Pensyl regarding [REDACTED]. Revise declaration of Mr. Wells and circulate declaration to Mr. Wells for review.	DCW	1.50	250.00	375.00
6/10/18	Preparation of application to appear pro hac vice in Tsalevich lawsuit. Preparation of motion for default judgment and related documents.	TBP	0.20	400.00	80.00
6/11/18	Attention to communication with team members regarding default judgment.	DSG	0.20	495.00	99.00
6/11/18	Preparation of proposed order on motion for default judgment in Tsalevich lawsuit. Preparation of declaration of Messrs. Pensyl and Wells.	TBP	2.30	400.00	920.00
6/11/18	Revision of declaration of Jason Wells and correspondence with Mr. Wells regarding declaration. Conferences with Ms. Hemphill regarding declaration, new data received from Mr. Wells, and spreadsheet consolidating data. Review of proposed order to be submitted to court and correspondence with Messrs. Pensyl and Garcia regarding same.	DCW	1.20	250.00	300.00
6/12/18	Conference with Mr. Pensyl regarding finalizing motion for default judgment and supporting materials. Review revised spreadsheet of Tsalevich's total sales circulated by Ms. Hemphill. Review declaration of Mr. Wells and circulate declaration and spreadsheet to Mr. Wells.	DCW	0.70	250.00	175.00
6/13/18	Correspondence with Mr. Wells regarding declaration for Tsalevich lawsuit. Review and preparation of same. Review of court order regarding case schedule. Correspondence with local counsel regarding same.	TBP	1.00	400.00	400.00
6/14/18	Preparation of motion for default judgment.	TBP	0.70	400.00	280.00
6/15/18	Preparation of motion for default judgment. Correspondence with Mr. Vincent regarding same.	TBP	0.70	400.00	280.00
6/18/18	Preparation of motion for default judgment against Tsalevich LLC and proposed order for same. Correspondence with Mr. Wells regarding declaration.	TBP	2.20	400.00	880.00
6/22/18	Preparation of motion for default judgment and documents in support of same. Correspondence with Mr. Vincent regarding same.	TBP	1.30	400.00	520.00
6/22/18	Revision and finalize motion for default judgment, declaration of Mr. Wells, spreadsheet of TriGuardian data, and proposed judgment. Correspondence with Messrs. Pensyl and Garfield regarding motion and all supporting materials.	DCW	2.80	250.00	700.00

ADG CONCERNS, INC. d/b/a HEALTH CONCERNS and GOODE, INC. v. TSALEVICH LLC , Case No. 5:18-cv-00818-NC (N.D. Cal)**Fees Billed to Plaintiffs by Vorys, Sater, Seymour and Pease LLP From November 1, 2017 to July 31, 2018**

6/24/18	Preparation of motion for default judgment and related documents. Correspondence with Mr. Garfield regarding same.	TBP	0.80	400.00	320.00
6/24/18	Correspondence with Mr. Pensyl to Ms. Sabo regarding filing motion for default judgment and supporting materials.	DCW	0.20	250.00	50.00
6/25/18	Preparation of motion for default judgment. Correspondence with local counsel regarding same.	TBP	0.50	400.00	200.00
6/25/18	Review and finalize motion for default judgment and all supporting materials. Correspondence with Mr. Garfield regarding supporting materials.	DCW	2.60	250.00	650.00
6/26/18	Review of filings related to motion for default judgment. Correspondence with Messrs. Vincent and Wells regarding same.	TBP	0.50	400.00	200.00
7/2/18	Review of requirements for serving Tsalevich with motion for default judgment.	TBP	0.20	400.00	80.00
7/2/18	Research requirement that motion for default judgment be served on defaulting party before hearing on motion. Preparation of circulate memorandum to Mr. Pensyl regarding same and recommended steps for serving motion for default judgment and related materials on Tsalevich LLC.	DCW	1.40	250.00	350.00
7/3/18	Correspondence with Mr. Parra regarding case status and strategy for dismissal of OIG lawsuit.	TBP	0.10	400.00	40.00
7/13/18	Review of court order regarding supplemental briefing on motion for default judgment. Review of authorities regarding same. Develop strategy for response to same.	TBP	1.20	400.00	480.00
7/13/18	Review of order for supplemental briefing in Tsalevich case. Research cases cited in court's order and cases regarding personal jurisdiction in Ninth Circuit. Preparation of circulate memorandum to Mr. Pensyl and Ms. Cunning regarding same Conference with Mr. Pensyl and Ms. Cunning regarding same.	DCW	6.40	250.00	1600.00
7/14/18	Review of authorities regarding personal jurisdiction over defendant selling infringing products in California for Tsalevich case.	TBP	0.20	400.00	80.00
7/14/18	Research cases in Ninth Circuit regarding personal jurisdiction and allegations that defendant was selling infringing products into forum state.	DCW	2.50	250.00	625.00
7/15/18	Further research of cases in Ninth Circuit regarding personal jurisdiction. Research cases in Ninth Circuit that have addressed Supreme Court's 2017 Bristol-Myers decision.	DCW	3.20	250.00	800.00
7/16/18	Begin drafting supplemental brief to be filed in Tsalevich case regarding court's personal jurisdiction over defendant.	DCW	8.00	250.00	2000.00
7/18/18	Review and preparation of settlement brief in support of motion for default judgment against Tsalevich LLC.	TBP	0.50	400.00	200.00
7/18/18	Complete draft of supplemental brief. Research requirements regarding how motion for default judgment and related materials must be served on Tsalevich. Preparation of circulate summary of law regarding same to Mr. Pensyl.	DCW	7.40	250.00	1850.00
7/19/18	Preparation of supplemental brief in support of motion for default judgment. Review of authorities regarding personal jurisdiction over nonresident defendant for use in same.	TBP	7.90	400.00	3160.00
7/19/18	Revision of supplemental brief to be filed and conference with Mr. Pensyl regarding same.	DCW	3.20	250.00	800.00
7/20/18	Preparation of correspondence to Tsalevich LLC regarding motion for default judgment.	TBP	0.50	400.00	200.00
7/23/18	Preparation of proof of service of motion for default judgment on Tsalevich.	TBP	0.40	400.00	160.00
7/23/18	Preparation of certificate of service regarding service on Tsalevich of all documents relating to motion for default judgment. Correspondence with Mr. Pensyl regarding same.	DCW	1.00	250.00	250.00
7/24/18	Correspondence with local counsel regarding hearing on motion for default judgment in Tsalevich matter.	TBP	0.20	400.00	80.00

ADG CONCERNS, INC. d/b/a HEALTH CONCERNS and GOODE, INC. v. TSALEVICH LLC, Case No. 5:18-cv-00818-NC (N.D. Cal)**Fees Billed to Plaintiffs by Vorys, Sater, Seymour and Pease LLP From November 1, 2017 to July 31, 2018**

7/25/18	Review of correspondence from Mr. Garfield regarding correspondence with court clerk and issues that may be addressed at hearing on motion for default judgment. Correspondence with Mr. Pensyl regarding same. [REDACTED] [REDACTED]	DCW	1.20	250.00	300.00
7/26/18	Preparation for hearing on motion for default judgment in Tsalevich case. Review of pleadings and cases cited in same. Correspondence with Messrs. Vincent and Wells regarding hearing.	TBP	4.10	400.00	1640.00
7/26/18	Conference with Mr. Pensyl regarding hearing on motion for default judgment.	DCW	0.10	250.00	25.00
7/27/18	Correspondence with Messrs. Vincent and Wells regarding hearing on motion for default judgment in Tsalevich case.	TBP	0.10	400.00	40.00
7/29/18	Preparation for hearing on motion for default judgment in Tsalevich case. Review of cases regarding material difference and quality control exception for same.	TBP	1.30	400.00	520.00
7/30/18	Preparation for hearing on motion for default judgment in Tsalevich case. Telephone conference with Mr. Vincent regarding same. Review of cases cited in motion for default judgment and addressing default judgment, permanent injunctions, disgorgement of profits, and award of attorneys' fees in trademark infringement cases.	TBP	6.90	400.00	2760.00
7/31/18	Preparation for hearing on motion for default judgment in Tsalevich case. Review of authorities addressing default judgment, permanent injunction, disgorgement of profits, and award of attorneys' fees in trademark infringement cases. Review of authorities regarding personal jurisdiction in cases alleging trademark infringement based on online sales.	TBP	12.20	400.00	4880.00
	TOTAL		179.30		56253.00

EXHIBIT F

Haight



Howard M. Garfield
Of Counsel

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Suite 200
San Francisco, CA 94111
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Biography

Mr. Garfield is a member of the Professional Liability, Risk Management & Insurance Law and Employment & Labor Practice Groups. His practice focuses on a wide variety of areas which affect employers and businesses in employment litigation, commercial, trade secret, copyright and securities litigation, employment counseling and the defense of professionals. He has represented insurers in coverage counseling and disputes and in the defense of bad faith actions. Mr. Garfield also has extensive experience representing management in employment dispute resolution via mediations, arbitrations and litigation.

His representation includes:

- accountants
- lawyers
- officers and directors
- securities and commodities brokers
- investment advisers
- insurance brokers
- directors' and officers' liability insurance carriers
- insurance coverage, with an emphasis on professional errors and omissions, employment practices liability insurance, liability insurance and inter-insurance company disputes, reinsurance and other commercial and business disputes

Mr. Garfield is also a member of Resolution Remedies and the National Arbitration Forum, he has acted as both mediator and arbitrator. He has served as counsel, a party-appointed arbitrator, and refereed reinsurance and insurance arbitrations. He has testified extensively as an expert at trial and in deposition regarding insurance and law practice management issues and the reasonableness of attorneys' fees, including the propriety, allocation and reasonableness of *Brandt* fees, in both state and federal courts. He also provides annual training mandated by the California Fair Claims Settlement Practices Regulations.

News

August 25, 2017 Firm News

Cyberattacks: Is Your Firm Protected? Renata Hoddinott and Howard Garfield Author Thomson Reuters Westlaw Article

Publications & Presentations

October 2, 2017 **Appeal of an Attorney Disqualification Order Results in Partial Automatic Stay of Trial Court Proceedings**

Alert

August 25, 2017 **Cyberattacks: Is your firm protected? Thomson Reuters Expert Analysis**

Article

August 2, 2017 **No Conflict in Successive Representation of a Closely-Held Company and Its Insiders Where Insiders Already Possess Company's Confidential Information**

Alert

June 7, 2017 **Court Upholds Over \$6 Million in Civil Penalties for Unfair Business Practices and False Advertising**

Alert

Related Practices

Professional Liability
Employment & Labor
Risk Management & Insurance Law

Education

Harvard University Law School (JD, 1968)
Stanford University (A.B., 1964)

Bar Admissions

California, 1969

Court Admissions

California State Courts
U.S. District Court, Central District of California
U.S. District Court, Eastern District of California
U.S. District Court, Northern District of California
U.S. District Court, Southern District of California
U.S. Court of Appeals, Ninth Circuit
U.S. District Court for the District of Nevada
U.S. Supreme Court
U.S. District Court, District of Alaska

EXHIBIT G

Haight



Omar Parra
Attorney

San Francisco
Three Embarcadero Center
Suite 200
San Francisco, CA 94111
415.281.7605
415.546.7505

Biography

Omar Parra is a member of the Construction Law, Employment and Labor and General Liability Practice Groups. He defends parties in all phases of litigation including discovery, law and motion, mediation, and trial.

Omar has defended both national and local corporations in cases concerning breaches of contract, construction defects, products liability, and premises liability. Omar has extensive litigation experience in cases alleging ground subsidence, wage and hour violations, and weatherproofing defects, including defending and deposing percipient and expert witnesses, participating in mediation, and drafting trial motions. Omar also has substantial knowledge in drafting Master Services Agreements and Work Authorizations for owners, developers, and general contractors.

While in law school, Omar was an extern for Magistrate Judges Jacqueline S. Corley and Nathaniel M. Cousins of the U.S. District Court for the Northern District of California. He was also a research assistant to Professor Morris Ratner, and a law clerk for the City of Oakland, Office of the City Attorney.

Omar's community involvement includes serving on the Executive Committee of the Litigation Section of the Barristers Club of the Bar Association of San Francisco. As an Executive Committee member, Omar helps plan social and educational events for the benefit of the Club's membership, and has been instrumental in helping create a Mentor/Mentee Program. Omar also actively participates in the Federal Pro Bono Project by representing low-income federal litigants on a pro bono basis. Additionally, Omar is a member of the Earl Warren Inn of Court, a nationally recognized and distinguished chapter of the American Inns of Court.

Publications & Presentations

February 23, 2018	Ninth Circuit: Speculative Injuries Do Not Confer Article III Standing	Alert	
January 25, 2018	CA Supreme Court: Right to Repair Act (SB 800) is the Exclusive Remedy for Residential Construction Defect Claims – So Now What?	Alert	
October 26 2017	The Road to Hell is Paved with Good Intentions: A.B. 1701's Requirement that General Contractors Pay Subcontractor Employee Wages Will Do More Harm Than Good	Alert	
2017	2017 ALFA California Labor & Employment Law Compendium	Article	
August 17, 2017	Employee Given Two Bites of the Intentional Infliction of Emotional Distress Apple	Alert	
August 2, 2017	Use It or Lose It: California Court of Appeal Addresses Statutes of Limitations for Latent Construction Defects and Damage to Real Property	Alert	
July 7, 2017	Scary Movie: Theatre Developer Axed By Court of Appeal In Prevailing Wage Determination Challenge	Alert	
June 15, 2017	A License to Sue: Appellate Court Upholds Condition of Statute that a Contracting Party Must Hold a Valid Contractor's License to Pursue Action for Recovery of Payment for Contracting Services	Alert	

Related Practices

Construction Law
Employment & Labor
General Liability

Education

University of California,
Hastings College of the Law
(JD, 2014)
California State University,
Fresno (BA, 2010)

Bar Admissions

California

Court Admissions

California State Courts
U.S. District Court, Central
District of California
U.S. District Court, Eastern
District of California
U.S. District Court, Northern
District of California
U.S. District Court,
Southern District of
California

Memberships

Bar Association of San
Francisco

Earl Warren American Inn
of Court

Distinctions

Certified Litigation
Management Professional,
Claims & Litigation
Management Alliance

May 30, 2017	2017 AIA Documents – They Are A-Changin': What You Need to Know About the AIA's Revisions to the A201 "General Conditions of the Contract for Construction"
	Alert
May 25, 2017	Ninth Circuit: EEOC Has Broad Subpoena Powers
	Alert
April 5, 2017	"To Indemnify, or Not to Indemnify, that Is the Question: California Court of Appeal Addresses Active Negligence in Indemnity Provisions"
	Alert

EXHIBIT H

ADG CONCERNS, INC. d/b/a HEALTH CONCERNS and GOODE, INC. v. TSALEVICH LLC , Case No. 5:18-cv-00818-NC (N.D. Cal)
Fees Billed to Plaintiffs by Haight Brown & Bonesteel From February 1, 2018 to July 9, 2018

DATE	DESCRIPTION	ATTY	HOURS	RATE	CHARGE
2/1/2018	Review/Analyze proposed complaint.	HMG	1.10	\$ 450.00	\$ 495.00
2/1/2018	Review/Analyze - email to attorney Tyler Pensyl re my review of complaint with suggestion for [REDACTED]	HMG	0.20	\$ 450.00	\$ 90.00
2/4/2018	Draft/Revise proposed complaint with additional suggestions.	HMG	1.50	\$ 450.00	\$ 675.00
2/5/2018	Draft/Revise proposed complaint - exchange of emails with Pensyl re revisions to complaint.	HMG	0.40	\$ 450.00	\$ 180.00
2/5/2018	Review and analysis of Complaint re: revisions and new UCL claim and respond to Pensyl.	HMG	0.60	\$ 450.00	\$ 270.00
2/5/2018	Pleadings - General re: - exchange of emails with Pensyl re filing of revised complaint.	HMG	0.30	\$ 450.00	\$ 135.00
2/7/2018	Pleadings - General re: - exchange of emails with Pensyl re filing of complaint procedures.	HMG	0.40	\$ 450.00	\$ 180.00
2/7/2018	Pleadings - General re: - additional changes to revised complaint pursuant to local rules - re intradistrict assignment and monetary demand.	HMG	0.40	\$ 450.00	\$ 180.00
2/7/2018	Pleadings - General re: - emails to Pensyl re assignment of case to Magistrate Judge Cousins in San Jose and dates for service of complaint.	HMG	0.60	\$ 450.00	\$ 270.00
2/7/2018	Prepare Complaint for filing, including editing Complaint and drafting Civil Cover Sheet, and exchange communications with Mr. Tyler Pensyl re same.	OP	2.10	\$ 325.00	\$ 682.50
2/8/2018	Review and analyze the Northern District's report to the US Patent & Trademark Office re Health Concern's Complaint and draft email to Mr. Tyler Pensyl re same.	OP	0.10	\$ 325.00	\$ 32.50
2/17/2018	Pleadings - General re: - review request for issuance of summons - no response from defendant to resolve dispute.	HMG	0.20	\$ 450.00	\$ 90.00
2/20/2018	Pleadings - General re: - review emails re issuance of summons.	HMG	0.20	\$ 450.00	\$ 90.00
2/20/2018	Exchange emails with Mr. Tyler Pensyl regarding the Proposed Summons for Health Concern's Complaint.	OP	0.10	\$ 325.00	\$ 32.50
2/22/2018	Pleadings - General re: conference with Mr. Parra re deadlines and strategies for [REDACTED]	HMG	0.30	\$ 450.00	\$ 135.00
2/22/2018	Pleadings - General re: - email to Pensyl re further assistance.	HMG	0.20	\$ 450.00	\$ 90.00
2/22/2018	Exchange emails with Mr. Tyler Pensyl regarding the Court's Summons for Health Concern's Complaint.	OP	0.10	\$ 325.00	\$ 32.50
3/13/2018	Review/Analyze clerk's notice to file acceptance or declination of Magistrate Judge by 3/27/2018.	HMG	0.20	\$ 450.00	\$ 90.00
3/13/2018	Communicate w/Outside counsel - email Tyler Pensyl re 3/27/2018 deadline to accept or decline use of Magistrate Judge.	HMG	0.20	\$ 450.00	\$ 90.00
3/15/2018	Communicate w/Outside counsel - email from Pensyl re use of Magistrate Cousins.	HMG	0.20	\$ 450.00	\$ 90.00
3/19/2018	Communicate w/Outside counsel - email from Pensyl re filing proof of service of summons and complaint on defendant.	HMG	0.20	\$ 450.00	\$ 90.00
3/19/2018	Communicate w/Outside counsel - send Pensyl filing of proof of service of summons and complaint.	HMG	0.20	\$ 450.00	\$ 90.00
3/22/2018	Communicate w/Outside counsel - email from Pensyl re alternatives to Magistrate Judge Cousins and response (research and description of potential alternatives).	HMG	2.40	\$ 450.00	\$ 1,080.00
3/26/2018	Communicate w/Outside counsel - email from Pensyl instructing us to accept Magistrate Judge Cousins and filing.	HMG	0.30	\$ 450.00	\$ 135.00
3/26/2018	File the Consent to Magistrate Judge and exchange emails with Mr. Tyler Pensyl re same.	OP	0.20	\$ 325.00	\$ 65.00
3/29/2018	Communicate w/Outside counsel - review exchanges of emails re granting a one week extension of time to defendant to respond to complaint.	HMG	0.30	\$ 450.00	\$ 135.00
3/29/2018	In light of Defendant's request for an extension, review and analyze Local Rules on extending time to respond to Complaint and draft email to Mr. Tyler Pensyl re same.	OP	0.40	\$ 325.00	\$ 130.00
3/29/2018	Exchange emails with Defendant's counsel regarding Defendant's extension of time to respond to the Complaint.	OP	0.10	\$ 325.00	\$ 32.50
3/30/2018	Revise the proposed Stipulation to extend Defendant's deadline to file a response to Plaintiffs' Complaint.	OP	0.20	\$ 325.00	\$ 65.00
4/2/2018	PLEADINGS-Analysis of email exchange re response to complaint.	HMG	0.20	\$ 450.00	\$ 90.00
4/2/2018	Exchange emails with Michael Tsalevich regarding Tsalevich LLC's deadline to respond to Plaintiffs' Complaint.	OP	0.10	\$ 325.00	\$ 32.50
4/2/2018	Exchange emails with Mr. Tyler Pensyl regarding the proposed Stipulation re Tsalevich LLC's deadline to respond to Plaintiffs' Complaint.	OP	0.10	\$ 325.00	\$ 32.50
4/3/2018	PLEADINGS-Analysis of motion for leave by defendant in pro per to file electronically.	HMG	0.20	\$ 450.00	\$ 90.00
4/3/2018	GENERAL-Correspondence to Tyler Pensyl re case management.	HMG	0.40	\$ 450.00	\$ 180.00
4/3/2018	Review and analyze Tsalevich LLC's motion for permission for electronic case filing.	OP	0.10	\$ 325.00	\$ 32.50
4/4/2018	GENERAL-Correspondence to defendant re extension of time to April 12th to respond to complaint.	HMG	0.20	\$ 450.00	\$ 90.00
4/4/2018	Phone call and emails with Michael Tsalevich regarding whether Defendant will be retaining an attorney to respond to Plaintiff's Complaint.	OP	0.20	\$ 325.00	\$ 65.00
4/9/2018	GENERAL-Correspondence to and from client re continuance of response including review of court order denying request.	HMG	0.80	\$ 450.00	\$ 360.00
4/9/2018	Review Court docket and exchange emails with Mr. Tyler Pensyl about Tsalevich LLC's request for an extension of time to respond to Plaintiffs' Complaint.	OP	0.20	\$ 325.00	\$ 65.00
4/9/2018	Review and analyze case law and statutory law for [REDACTED]	OP	1.00	\$ 325.00	\$ 325.00
4/12/2018	Correspondence to and from client Pensyl.	HMG	0.20	\$ 450.00	\$ 90.00
4/12/2018	Exchange emails with Mr. Tyler Pensyl regarding prior communications with Defendants.	OP	0.10	\$ 325.00	\$ 32.50
4/23/2018	Correspondence to and from client Pensyl re his conversations with Michael and Helen Tsalevich re defense.	HMG	0.20	\$ 450.00	\$ 90.00
4/25/2018	Communicate with Client re new strategy for [REDACTED]	HMG	0.20	\$ 450.00	\$ 90.00
4/25/2018	Review and analyze FRCP and Local Rules to evaluate Health Concern's options to seek clarification regarding the Court's Order granting Defendants' request for extension to respond to the Complaint.	OP	1.00	\$ 325.00	\$ 325.00
4/27/2018	Communicate with Client - email from client confirming new strategy.	HMG	0.20	\$ 450.00	\$ 90.00
5/2/2018	Revise Plaintiffs' Request for Entry of Default and supporting documentation.	OP	0.50	\$ 325.00	\$ 162.50
5/2/2018	Review and analyze FRCP and Local Rules re Entry of Default procedures and exchange emails with Mr. Tyler Pensyl re same.	OP	0.50	\$ 325.00	\$ 162.50
5/3/2018	PLEADINGS-Analysis of entry of default and transmittal of same to Mr. Pensyl.	HMG	0.20	\$ 450.00	\$ 90.00
5/3/2018	Review and analyze the Clerk's entry of default and draft email to Mr. Tyler Pensyl re same.	OP	0.10	\$ 325.00	\$ 32.50
5/7/2018	Phone call with Court regarding continuance of May 9 Case Management Conference.	OP	0.10	\$ 325.00	\$ 32.50
5/9/2018	Phone call with Mr. Tyler Pensyl to discuss strategy for request for default judgment.	OP	0.20	\$ 325.00	\$ 65.00
5/30/2018	Draft Plaintiffs' Administrative Motion (and its corresponding pleadings) to have the Tsalevich and the OIG matters deemed related.	OP	2.50	\$ 325.00	\$ 812.50
6/6/2018	GENERAL-Drafting of Case Management Conference Statement.	HMG	0.20	\$ 450.00	\$ 90.00
6/6/2018	Draft Plaintiffs' Case Management Statement for June 13 Case Management Conference.	OP	1.20	\$ 325.00	\$ 390.00
6/11/2018	Review/Analyze Pensyl motion for admission pro hac vice.	HMG	0.20	\$ 450.00	\$ 90.00

6/11/2018 Review/Analyze Order Granting Pro Hac Vice motion.	HMG	0.20	\$ 450.00	\$ 90.00
6/11/2018 Review/Analyze Pensyl email to Parra re status.	HMG	0.20	\$ 450.00	\$ 90.00
6/12/2018 Review/Analyze Pensyl/Parra exchange of emails re status of case, intent to file motion for default judgment, and case management conference.	HMG	0.60	\$ 450.00	\$ 270.00
6/12/2018 Review/Analyze email exchange between clerk of court and Parra re Case Management Conference.	HMG	0.40	\$ 450.00	\$ 180.00
6/13/2018 Review/Analyze Minute Order on CMC.	HMG	0.20	\$ 450.00	\$ 90.00
6/13/2018 Review/Analyze email exchange between Pensyl and Parra re CMC orders.	HMG	0.30	\$ 450.00	\$ 135.00
6/13/2018 Travel from office to US District Court in San Jose to attend Initial Case Management Conference (moderate traffic; travel time only).	OP	1.30	\$ 325.00	\$ 422.50
6/13/2018 Travel from US District Court in San Jose back to office after attending Initial Case Management Conference (heavy traffic; travel time only).	OP	1.40	\$ 325.00	\$ 455.00
6/13/2018 Appear at Initial Case Management Conference (no travel time).	OP	0.70	\$ 325.00	\$ 227.50
6/13/2018 Exchange emails with Mr. Tyler Pensyl about the outcome of today's Case Management Conference.	OP	0.20	\$ 325.00	\$ 65.00
7/13/2018 Review/Analyze sua sponte order from court requiring additional briefing re personal jurisdiction and confirmation that Pensyl will be handling.	HMG	0.40	\$ 450.00	\$ 180.00
7/19/2018 Review/Analyze - review and analyze plaintiffs' brief re personal jurisdiction over Tsalevich LLC per court's order for supplemental briefing.	HMG	0.20	\$ 450.00	\$ 90.00
7/23/2018 Review/Analyze - certificate of service of supplemental brief.	HMG	0.20	\$ 450.00	\$ 90.00
7/24/2018 GENERAL - email from Pensyl re content of hearing, etc. and preparation therefor, contact with clerk of the court re same, telephone call to clerk re same.	HMG	0.80	\$ 450.00	\$ 360.00
7/25/2018 GENERAL -email from Pensyl re subject matter of hearing - whether appearance required and subject thereof, email to clerk of court, telephone to clerk of court, review order to appear, email clerk re subject, refusal of clerk to provide information, email to Pensyl re anticipated subjects.	HMG	2.30	\$ 450.00	\$ 1,035.00
7/26/2018 GENERAL - review of court order re hearing (no witness testimony-appearance required) and emails to and from Pensyl re preparation for hearing.	HMG	0.50	\$ 450.00	\$ 225.00
TOTAL		34.70		\$ 13,765.00